

# **EXHIBIT E**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

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UGOCHUKWU GOODLUCK NWAUZOR,	)	
FERNANDO AGUIRRE-URBINA,	)	
individually and on behalf of all	)	
those similarly situated,	)	
Plaintiffs,	)	
vs.	)	No. 17-cv-05769-RJB
THE GEO GROUP, INC., a Florida	)	
corporation,	)	
Defendant.	)	

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Videotaped  
Deposition Upon Oral Examination of  
DAVID M. TRACY

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10:13 a.m.  
Tuesday, December 3, 2019  
1019 Regents Blvd., Suite 204  
Fircrest, Washington

REPORTED BY: Keri A. Aspelund, RPR, CCR No. 2661

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15

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David Tracy

December 3, 2019

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5	311	Job Description, Job Title: Sergeant -	19 11
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7	312	Northwest Detention Center -	25 3
8		Organizational Chart - GEO-Nwauzor	
9		044059-044067	
10	313	Policy and Procedure Manual, Chapter:	29 8
11		Detainee Services and Programs, Title:	
12		Voluntary Work Program - GEO-Nwauzor	
13		016419-016426	
14	314	Volunteer Work Program Agreement	50 25
15	315	Northwest Detention Center Detainee Job	55 3
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22		GEO-Nwauzor 038934	
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David Tracy

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1 E X A M I N A T I O N

2 BY Page/Line

3 MR. WHITEHEAD 10 4

4 MS. MELL 90 5

5 MR. WHITEHEAD 93 1

6 MS. MELL 104 4

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12 (Note: \* Denotes phonetic spelling.)

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David Tracy

December 3, 2019

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1           Fircrest, Washington; Tuesday, December 3, 2019

2   10:13 a.m.

3   -----

4                   THE VIDEOGRAPHER: We are on the record. The  
5 time is approximately 10:13 on this day, December 3rd,  
6 2019. This is media unit one, volume one, of the video  
7 deposition of David Tracy taken by the plaintiff, case  
8 number 17-cv-05769-RJB, in the matter of Nwauzor, et al.,  
9 vs. GEO Group, in the U.S. District Court, Western District  
10 of Washington, at Tacoma. This deposition is taking place  
11 at 1019 Regents Boulevard, Suite 204, in Tacoma,  
12 Washington.

13                   The videographer is Lindsay Hitchcock for  
14 Seattle Deposition Reporters, 600 University Street,  
15 Seattle, Washington 98101. The court reporter is Keri  
16 Aspelund for Seattle Deposition Reporters.

17                   Counsel, at this time please identify yourselves  
18 for the record and the witness may be sworn in.

19                   MR. WHITEHEAD: Good morning, this is Jamal  
20 Whitehead, class counsel on behalf of Mr. Nwauzor and the  
21 class he represents.

22                   MS. MELL: Joan Mell on behalf of The Geo Group.

23                   MR. POLOZOLA: And Lane Polozola, counsel for  
24 Washington in Washington vs. The GEO Group.

25                   MS. MELL: And for the record, what's the State

1 the document front and back there.

2 Do you see the Primary Duties and  
3 Responsibilities there on the first page?

4 A. Yes.

5 Q. And do you agree that those were your primary  
6 duties and responsibilities as sergeant?

7 A. I would say the overall primary duty is to  
8 ensure the safety and security of all individuals inside  
9 the building.

10 Q. Certainly overarching, but as to the specific  
11 duties and responsibilities, would you agree there that  
12 that was an accurate statement of your duties and  
13 responsibilities as sergeant?

14 MS. MELL: Object to the form of the question --

15 A. Yes.

16 MS. MELL: -- asked and answered.

17 Q. I'm sorry, your answer was yes?

18 A. Yes.

19 Q. Is there anything that you would add to this  
20 list?

21 MS. MELL: Object to the form.

22 A. There's other things that could be added but not  
23 necessary. These are the primary duties.

24 Q. I'd like for you to look at the tenth bullet  
25 down for me. It's the one that reads, "Directs work,

1           A.    There's -- with inside the units, they kind of  
2   have their own. The other detainees, once they get a new  
3   job, they kind of explain to them how it works. So, for  
4   example, the food porter, he works when the food comes.  
5   That's what his job -- you know, that's what his job is.  
6   He can't do his job when there's no food there. So when  
7   it's time for food, you know, you might have to go wake him  
8   up or let him know, if he's outside playing basketball, or  
9   whatever, meals -- meals are up.

10           Q.   So in that way then, you're directing whoever  
11   that food porter is to show up to work?

12           MS. MELL: Object to the form of the question,  
13   totally mischaracterizes his testimony.

14           A.   Can you repeat your question one more time?

15           Q.   Sure.

16                    You told me that with the food porter, for  
17   example, that they can only work when the food arrives, and  
18   that if they're asleep or in recreation, that you go to get  
19   help; did I get that right?

20           A.   Yeah, let them know that, you know, the meals  
21   are ready, ask them to go to the kitchen. Not making them  
22   go to the kitchen, because they don't have to do it, they  
23   can always put a request in to not work anymore.

24           Q.   All right, you mentioned janitor, closet access;  
25   do you remember that?



1 the main hallways that -- throughout the facility.

2 Q. Did you ever direct or supervise detainee  
3 workers performing those evening cleaning tasks?

4 A. Yes, just on the basis that you're out on the  
5 actual floor while they're working. You're not so hovering  
6 over them, Hey, you missed a spot here, or like that, but  
7 you're physically out there with them. You can see what  
8 they're doing.

9 Q. And that's as a detention officer, where the  
10 direction and supervision is more hands on?

11 A. Same as a supervisor. Supervisor would leave  
12 the office. He's not stuck in the desk all day.

13 Q. And when you say supervisor, are you referring  
14 to sergeant?

15 A. Sergeant, I'm sorry. Sergeant.

16 Q. And laundry, did you provide any direction or  
17 supervision to detainee workers working in laundry?

18 A. Yes.

19 Q. Tell me about that.

20 A. They are trained on how to use the washing  
21 machine, the dryer, how to clean the equipment.

22 Q. Anything else in terms of the direction and  
23 supervision that you provided the detainee workers in the  
24 laundry?

25 A. When I personally worked in laundry, I worked

1 with them. So it was very hands on, you know, right next  
2 to them.

3 Q. Meaning you were doing the laundry right  
4 alongside them?

5 A. Yes.

6 Q. How long did you work in laundry?

7 A. A rough estimate, possibly a year.

8 Q. You said that the detainee workers were trained  
9 on how to use the washer and dryer; did I get that right?

10 A. Correct.

11 Q. And this is training that GEO provides to the  
12 detainee workers?

13 A. The officer in charge of laundry would be the  
14 one doing it.

15 Q. This is GEO's officer; correct?

16 A. Correct.

17 Q. Okay. And that GEO would provide the detainee  
18 workers training on how to clean the equipment; correct?

19 A. Correct.

20 When I say clean, I'm not talking about like  
21 taking apart the machine, but I'm talking about like the  
22 dryers, the lint trap. Not like actually taking apart of  
23 machine and cleaning out the machine.

24 Q. Okay. Fair enough.

25 And GEO provided all of the laundry detergent to

1 Q. And when we talk about visitation, intake, we're  
2 talking about cleaning those areas; is that right?

3 A. Yeah, usually it's, for the most part, just, you  
4 know, wiping down the windows and taking a dust -- you  
5 know, dry mopping it with a dust mop and then with a wet  
6 mop afterwards. That's the extent of cleaning. Maybe take  
7 the garbage -- you know, the garbage out, or just replace  
8 the bags in the garbage.

9 Q. What about medical, did you ever direct and  
10 supervise detainee workers working or cleaning the medical  
11 unit?

12 A. Not to my knowledge.

13 Q. Library?

14 A. No.

15 Q. Recreational --

16 A. Can I go back to library?

17 Q. Sure.

18 A. I never worked in the library, but we had a  
19 floor detail inside the hallway of the library.

20 Q. All right, so you've mentioned the living areas,  
21 laundry, visitation, intake, you said essentially every  
22 unit --

23 A. Yeah.

24 Q. -- anywhere else that you've directed and  
25 supervised detainee workers?

1 A. Recreation yards.

2 Q. Anywhere else?

3 A. Intake, laundry.

4 I'm sure there is, but ...

5 Q. Can you give me a rough estimate on how long it  
6 would take a detainee worker to carry out their cleaning  
7 assignment in the living areas?

8 A. It, honestly, depends on the person. There's --  
9 you know, for example, I work in segregation right now. We  
10 have a detainee that was previously there, he would take an  
11 hour or two hours just to sweep and mop, but part of that  
12 is because we feel like he liked not being stuck inside the  
13 cell, and he's very meticulous with everything he did,  
14 everything was slow. And the guy that cleans now maybe  
15 takes 15 or 20 minutes to do the exact same job.

16 Q. So anywhere from 15 to 20 minutes to one to two  
17 hours?

18 A. Depending on the individual.

19 Q. What about the laundry, how long would a  
20 detainee worker shift last in the laundry unit?

21 A. Again, it depends on the detainees. Depends on  
22 the officer running laundry. I would say for me, maybe --  
23 just an approximation of time, maybe two and a half to  
24 three and a half hours.

25 Q. And how many detainee workers would work on a

1 laundry shift that you would supervise, for example?

2 A. Roughly one to four.

3 Q. And the cleaning, how long would it take to --  
4 for a detainee worker to finish their assignment in the  
5 visitation room?

6 A. Approximately 20 to 30 minutes.

7 Q. What about intake?

8 A. I would say roughly the same time, 20 to 30  
9 minutes.

10 Q. What about the rec yard?

11 A. I would say just in general, the normal  
12 cleaning, just the sweeping, mopping, that type of thing,  
13 roughly 20 to 30 minutes in -- in every area.

14 Q. Now, the time estimates that you've just given  
15 me, do you base them on your firsthand observation as a  
16 detention officer or sergeant?

17 A. Yes.

18 Q. Now, we've talked a lot about the direction and  
19 supervision that you provide. What role, if any, does ICE  
20 play in directing and supervising the detainee work?

21 A. I believe -- well, they're not -- there's no  
22 supervision from an ICE officer, but the only thing I  
23 believe is that they set the dollar a day that works into  
24 the voluntary worker program.

25 Q. Sure, and we'll certainly talk about the dollar

1 Q. And in fact, I mean, there are consequences if  
2 detainees don't comply with GEO's rules and regulations for  
3 the detainee work?

4 MS. MELL: Object to the form of the question.

5 A. I mean, if -- if they don't want to work, they  
6 don't have to work. If they don't want to do the job, they  
7 don't -- they don't have -- they don't have to do it.

8 Q. That's right, but if a detainee worker was doing  
9 a lousy job consistently, GEO would have the right to  
10 terminate that worker's assignment; correct?

11 MS. MELL: Object to the form of the question.

12 A. I can't just say, You're not doing a good job,  
13 you're not working anymore. They would have to refuse to  
14 do it, and then they would either sign a refusal to work  
15 form, which is the same thing as them quitting, or I would  
16 submit the refusal to work form, and write down that they  
17 refused to sign it, but there's no punishment for I don't  
18 want to do this job.

19 Q. There's punishment or discipline for let's say  
20 fighting during a detainee worker shift; correct?

21 MS. MELL: Object to the form.

22 A. There's punishment for fighting.

23 Q. Or stealing?

24 A. Correct.

25 (Exhibit-314 marked.)

1 A. Nguyen.

2 Q. Spell that one for me.

3 A. N-G-U-Y-E-N, guessing.

4 Q. Anyone else?

5 A. Not that I can think of.

6 Q. Now, the -- you said that Mr. Edgecomb and Mr.  
7 Nguyen are current janitors?

8 A. Correct.

9 Q. Can you distinguish for me the work that these  
10 two do as opposed to the janitorial services that the  
11 detainee workers do?

12 MS. MELL: Object to the form.

13 A. They have access to parts of the facility where  
14 detainees wouldn't be able to go.

15 Q. Are you aware of any other distinction?

16 A. Not to my knowledge. I'm not a janitor. I'm  
17 not sure what the difference is.

18 Q. And as you sit here today, the first thing that  
19 you can think of though is that the janitors have access to  
20 areas that the detainee workers can't go; correct?

21 MS. MELL: Object to form.

22 A. Correct.

23 They also have keys.

24 Q. Can you tell me the areas that the janitors can  
25 go that the detainee workers can't?

1 A. Would you like a list or --

2 Q. Sure.

3 A. Break room, male locker room, female locker  
4 room, courts, immigration, warehouse, maintenance, loading  
5 dock, front lobby, employee restrooms, visitation  
6 restrooms, outside in the dog run, perimeter, upstairs in  
7 immigration, through emergency doors, parking lot, on the  
8 property.

9 I'm sure there's more, I just --

10 Q. But the common theme though among all the items  
11 that you just listed for me is that detainees can't go  
12 there?

13 A. Correct.

14 Q. Now, are you aware of the janitors cleaning in  
15 areas that detainees have access to?

16 A. Medical, but parts that they wouldn't have  
17 access to.

18 Q. All right, so again, are you aware of the  
19 janitors cleaning areas that the detainee workers have  
20 access to?

21 A. I mean, if they see something on the ground,  
22 they might pick it up, if you consider that cleaning, but I  
23 would think all the officers would do the same thing. So  
24 technically, we all clean.

25 Q. I get that, and that certainly makes sense. I



1 pods, who would?

2 A. I -- I don't know.

3 Q. Do you think the detainee workforce is an  
4 important part of carrying out the operations at the  
5 Northwest Detention Center?

6 MS. MELL: Object to the form of the question.

7 A. I think it's a benefit to the population. They  
8 gain some -- a sense of pride from it, they gain the sense  
9 of I'm not stuck here. It gives them -- you know, just  
10 like everybody else, you know, everybody else works. You  
11 know, they have their normal job, that type of thing. This  
12 gives them a sense of I'm not just stuck in here, I have  
13 this, this objective or goal that I have to do. And it  
14 helps them out financially. I think it's a benefit to --  
15 sorry -- the population overall.

16 Q. Do you think GEO gets something out of it too  
17 though?

18 MS. MELL: Object to the form of the question.

19 A. I'm sure they do.

20 Q. I guess that's what I'm driving at. I mean, do  
21 you think that the work that GEO gets from the detainee  
22 workers is important?

23 MS. MELL: Object to the form of the question.

24 A. Yes.

25 Q. It's important to the operation of the facility?

1

C-E-R-T-I-F-I-C-A-T-E

2

3 STATE OF WASHINGTON )

4 ) ss.

5 COUNTY OF THURSTON )

6

7 I, the undersigned Registered Professional  
8 Reporter and Certified Court Reporter, hereby  
9 certify that the foregoing deposition upon oral  
10 examination was taken stenographically before me and  
11 transcribed under my direction;

9

10 That the witness was duly sworn by me,  
11 pursuant to RCW 5.28.010, to testify truthfully; that the  
12 transcript of the deposition is a full, true, and correct  
13 transcript to the best of my ability; that I am neither  
14 attorney for, nor a relative or employee of, any of the  
15 parties to the action or any attorney or counsel employed  
16 by the parties hereto, nor financially interested in its  
17 outcome.

14

15 I further certify that in accordance with CR  
16 30(e), the witness was given the opportunity to examine,  
17 read, and sign the deposition, within 30 days, upon its  
18 completion and submission, unless waiver of signature was  
19 indicated in the record.

18

19 IN WITNESS WHEREOF, I have hereunto set  
20 my hand this 10th day of December, 2019.

20

21

22

23

24   
25 NCRA Registered Professional Reporter  
Washington Certified Court Reporter No. 2661

25

